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Attorneys for Plaintiff
Nutrishare, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Nutrishare, Inc., a California corporation,
Plaintiff,

v.

BioRx, LLC, an Ohio Limited Liability
Company,
Defendant.

Case No. 2:08-CV-01252-WBS-EFB

DECLARATION OF SHEILA MESSINA

Date: August 11, 2008
Time: 2:00 p.m.
Dept: Courtroom 5
Judge: Hon. William B. Schubb

I, SHEILA MESSINA, hereby declare as follows:

1. I am an individual residing in San Jose, California. I make this declaration of my own personal knowledge, and if called to testify, could and would testify consistent with the facts stated herein.

2. I require total parenteral nutrition ("TPN") in order to receive adequate nutrition.

3. I learned about the existence of NutriThrive, a new TPN company, at this year's ASPEN (American Society for Parenteral and Enteral Nutrition) meeting. When I heard about NutriThrive, it occurred to me that the name "NutriThrive" sounded quite similar to "Nutrishare," the name of my current TPN provider.

4. I ran into NutriThrive again at this year's Oley Conference between June 26 and June 29, where NutriThrive had a booth in the exhibit hall and sponsored lunch. Although I did

1 not actually approach their booth, I again was curious and wondered who they were.
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3 I declare under penalty of perjury under the laws of the United States and the State of
4 California that the foregoing is true and correct to the best of my knowledge.

5 Dated this 23rd day of July, 2008, in San Jose, California.
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8 SHEILA MESSINA
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